

Panaji, 31st August, 1978 (Bhadra 9, 1900)

SERIES I No. 22

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1-31-74-Div. I (Vol. II)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to declare that the existing recruitment rules to Group 'D' common posts under the Government of Goa, Daman and Diu, mentioned at Sr. No. 1 of the Schedule attached to the Notification No. 1-2-74-SPL(2) dated 15-9-1975 published in the Official Gazette No. 32 Series I dated 6-11-1975 are also applicable to the following Group 'D', non-ministerial, non-Gazetted posts in the Goa Medical College.

- i) Laundry Orderly — 6 posts.
- ii) Pharmacy Attendant — 2 posts.
- iii) Female attendant — 3 posts.
- iv) Stretcher bearer — 5 posts.
- v) Asst. Cook/mate cook — 3 posts.
- vi) Hammerman — 1 post.
- vii) Helper — 1 post.
- viii) Laboratory attendant — 7 posts.
- ix) Cleaner — 1 post.
- x) Servants — 20 posts.

2. These rules will come into effect from the date of the Notification and will relate to appointment to the various posts made on or after this date.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel).

Panaji, 26th August, 1978.

Finance Department (Revenue and Control)

Notification

Fin(R&C)/2-36/52/78

In exercise of the powers conferred by sub-section (2) of section 10 of the Goa, Daman and Diu

Sales Tax Act, 1964 (4 of 1964) the Government of Goa, Daman and Diu hereby amends the Second Schedule appended to the said Act as follows, namely: —

In the Second Schedule appended to the Goa, Daman and Diu Sales Tax Act, 1964, after entry 70, the following shall be added, namely: —

"71. Gobar gas plants and its components".

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Finance).

Panaji, 22nd August, 1978.

Law Department (Legal Advice)

Notification

LD/4165/1/78

The following Central Acts namely: 1. The Electricity (Supply) Amendment Act, 1978 (23 of 1978) 2. The Reserve Bank of India (Amendment) Act, 1978 (24 of 1978) which were recently passed by the Parliament and assented to by the President of India on 3-6-1978 and published in the Gazette of India, Part II, Section I dated 3-6-1978 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 14th August, 1978.

The Electricity (Supply) Amendment Act, 1978

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ACT

further to amend the Electricity (Supply) Act, 1948.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Electricity (Supply) Amendment Act, 1978.

2. *Amendment of section 1.* — In section 1 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act), —

(a) in sub-section (3), for the words "Sixth and Seventh Schedules", the words "Sixth Schedule" shall be substituted;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-section (4),—

(a) where any provision of this Act, to which sub-section (4) applies, is in force in any State immediately before the commencement of the Electricity (Supply) Amendment Act, 1978 that provision as amended by the Electricity (Supply) Amendment Act, 1978, shall, on and from such commencement, be in force in that State;

(b) the provisions of this Act, to which sub-section (4) applies, which are not in force in any State on the commencement of the Electricity (Supply) Amendment Act, 1978, shall come into force in that State on such date as the State Government may, with the concurrence of the Central Government, by notification in the Official Gazette, appoint.”.

3. *Amendment of section 3.*—In section 3 of the principal Act, in sub-section (6), in the opening paragraph, for the word “servants”, the words “employees” shall be substituted.

4. *Insertion of new section 12A.*—After section 12 of the principal Act, the following section shall be inserted, namely:—

“12A. *Board may have capital structure.*—(1) The State Government may, if it considers expedient so to do, by notification in the Official Gazette, direct that the Board shall, with effect from such date as may be specified in the notification, be a body corporate with such capital, not exceeding ten crores of rupees, as the State Government may specify from time to time.

(2) The State Government may, from time to time, with the approval of the State Legislature, increase the maximum limit of the capital referred to in sub-section (1) to such extent as that Government may deem fit, so, however, that the increased maximum limit of capital aforesaid shall not exceed the amount representing the aggregate of the outstanding loans of the Board.

(3) Such capital may be provided by the State Government, from time to time, after due appropriation made by the State Legislature by law for the purpose and subject to such terms and conditions as may be determined by that Government.”.

5. *Amendment of section 15.*—In section 15 of the principal Act, in the opening paragraph, for the word “servants”, the word “employees” shall be substituted.

6. *Amendment of section 57.*—In section 57 of the principal Act,—

(a) the words “and the Seventh Schedule” shall be omitted;

(b) for the words “the said Schedules”, in both the places where they occur, the words “the said Schedule” shall be substituted.

7. *Amendment of section 57A.*—In section 57A of the principal Act, in sub-section (1), the words “and the Seventh Schedule” shall be omitted.

8. *Substitution of new section for section 59.*—For section 59 of the principal Act, the following section shall be substituted, namely:—

“59. *General principles for Board's finance.*—

(1) The Board shall, after taking credit for any subvention from the State Government under section 63, carry on its operations under this Act and adjust its tariffs so as to ensure that the total revenues in any year of account shall, after meeting all expenses properly chargeable to revenues, including operating, maintenance and management expenses, taxes (if any) on income and profits, depreciation and interest payable on all debentures, bonds and loans, leave such surplus, as the State Government may, from time to time, specify.

(2) In specifying the surplus under sub-section (1), the State Government shall have due regard to the availability of amounts accrued by way of depreciation and the liability for loan amortization and leave—

(a) a reasonable sum to contribute towards the cost of capital works; and

(b) where in respect of the Board, a notification has been issued under sub-section (1) of section 12A, a reasonable sum by way of return on the capital provided by the State Government under sub-section (3) of that section and the amount of the loans (if any) converted by the State Government into capital under sub-section (1) of section 66A.”.

9. *Amendment of section 60.*—In section 60 of the principal Act, in sub-section (2),—

(a) for the words “two months”, the words “one year” shall be substituted;

(b) the words, brackets and figures, “before the issue of the notification under sub-section (4) of section 1” shall be omitted.

10. *Amendment of section 61.*—In section 61 of the principal Act, in sub-section (2), for the words “members, officers and servants”, the words “members and officers and other employees” shall be substituted.

11. *Amendment of section 62.*—In section 62 of the principal Act, in sub-section (2), after the words “extreme urgency”, the words “, it shall be expended in accordance with the regulations made by the Board with the previous approval of the State Government and” shall be inserted.

12. *Amendment of section 65.*—In section 65 of the principal Act,—

(a) in sub-section (2), for the words “issue of bonds or stock”, the words “issue of debentures or bonds” shall be substituted;

(b) in sub-section (4), for the words “Stock issued”, the words “Debentures or bonds issued” shall be substituted.

13. *Insertion of new section 66A.*—After section 66 of the principal Act, the following section shall be inserted, namely:—

“66A. *Conversion of amount of loans into capital.*—(1) Notwithstanding anything contained in sec-

tion 12A, where any loan has been obtained from the State Government by a Board, in respect of which Board a notification has been made under sub-section (1) of that section, or any loan is deemed to be advanced to such Board by the State Government under sub-section (2) of section 60, the State Government may, if in its opinion it is necessary in the public interest so to do, by order, direct that the amount of such loan or any part thereof shall be converted into capital provided to the Board on such terms and conditions as appear to that Government to be reasonable in the circumstances of the case, even if the terms of such loan do not include a term providing for an option for such conversion.

(2) In determining the terms and conditions of such conversion, the State Government shall have due regard to the following circumstances, that is to say, the financial position of the Board, the terms of the loan, the rate of interest payable on the loan, the capital of the Board, its loan liabilities and its reserves.

(3) Notwithstanding anything contained in this Act, where the State Government has, by an order made under sub-section (1), directed that any loan or any part thereof shall be converted into capital, and such order has the effect of increasing the capital of the Board, the capital of the Board shall stand increased by the amount by which the conversion increases the capital of the Board in excess of the capital specified under sub-section (1) of section 12A:

Provided that the amount of the loan so converted together with the capital provided under sub-section (3) of section 12A shall not exceed the amount representing the aggregate of the outstanding loans of the Board after such conversion."

14. *Substitution of new section for section 67.* — For section 67 of the principal Act, the following section shall be substituted, namely: —

"67. *Priority of liabilities of Board.* — (1) If in any year, the revenue receipts are not adequate to enable compliance with the requirements of section 59, the Board shall, after meeting its operating, maintenance and management expenses and after provision has been made for the payment of taxes (if any) on income and profits, distribute the revenue receipts, as far as they are available, in the following order, namely: —

(i) payment of interest on loans not guaranteed under section 66;

(ii) repayment of principal of any loan raised (including redemption of debentures or bonds issued) under section 65 which becomes due for payment in the year;

(iii) payment of interest on loans guaranteed under section 66;

(iv) payment of interest on sums paid by the State Government in pursuance of guarantees under section 66;

(v) payment of interest on loans advanced to the Board by the State Government under section 64 or deemed to be advanced under sub-section (2) of section 60;

(vi) repayment of principal of any loan guaranteed by the State Government under section 66 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

(vii) repayment of principal of any loan advanced to the Board under section 64 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

and if any balance amount is left thereafter, the same shall be utilised for the other purposes specified in section 59 in such manner as the Board may decide.

(2) If for any reason beyond the control of the Board, the revenue receipts in any year are not adequate to meet its operating, maintenance and management expenses, taxes (if any) on incomes and profits and the liabilities referred to in clauses (i) and (ii) of sub-section (1), the short fall shall, with the previous sanction of the State Government, be paid out of its capital receipts."

15. *Substitution of new section for section 68.* — For section 68 of the principal Act, the following section shall be substituted, namely: —

"68. *Charging of depreciation by Board.* — (1) Subject to the provisions of section 67, the Board shall provide each year for depreciation such sum calculated in accordance with such principles as the Central Government may, after consultation with the Authority, by notification in the Official Gazette, lay down from time to time.

(2) Where in any particular year depreciation cannot be adjusted against revenues, the same may be carried over to subsequent years.

(3) The provisions of this section shall apply to the charging of depreciation for the year in which the Electricity (Supply) Amendment Act, 1978, comes into force."

16. *Amendment of section 69.* — In section 69 of the principal Act, in sub-section (4), for the words "forwarded annually to the State Government", the words "forwarded to the Authority and to the State Government within six months of the close of the year to which the accounts and audit report relate" shall be substituted.

17. *Amendment of section 74.* — In section 74 of the principal Act, for the words "officer or servant", the words "officer or other employee" shall be substituted.

18. *Amendment of section 75A.* — In section 75A of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely: —

"(3A) (a) The Generating Company shall carry on its operations under this Act and adjust its tariffs so as to ensure that the total revenues in any year of account shall, after meeting all the expenses properly chargeable to revenues including operating, maintenance and management expenses, taxes (if any) on income and profits, depreciation and interest payable on all debentures, bonds and loans, leave such surplus as the promoting government or promoting governments,

as the case may be, may, from time to time, specify.

(b) In specifying the surplus under clause (a), the promoting government or promoting governments, as the case may be, shall have due regard to the availability of amounts accrued by way of depreciation and the liability for loan amortization and leave a reasonable amount to contribute towards the cost of capital works and for payment of dividend on shares."

19. *Amendment of section 79.*—In section 79 of the principal Act, —

(a) in clause (c), for the words "officer and servants", the words "officers and other employees" shall be substituted;

(b) after clause (j), the following clause shall be inserted, namely: —

"(jj) expending sum not included in statement submitted under sub-section (1) or sub-section (5) of section 61, under sub-section (2) of section 62;"

(c) in the proviso, for the word, brackets and letter "and (d)", the brackets, letters and word ", (d) and (jj)" shall be substituted.

20. *Amendment of section 81.*—In section 81 of the principal Act, for the words "members, officers and servants", the words "members and officers and other employees" shall be substituted.

21. *Amendment of section 82.*—In section 82 of the principal Act, for the words "member, officer or servant", the words "member or officer or other employee" shall be substituted.

22. *Amendment of Fourth Schedule.*—In the Fourth Schedule to the principal Act, —

(a) in paragraph I, clause (c) shall be omitted;

(b) in paragraph II, for the words and figure "on the scale set out in paragraph III", the words and figure "calculated in accordance with the provisions of paragraph VI of the Sixth Schedule", shall be substituted;

(c) paragraph III shall be omitted;

23. *Amendment of Sixth Schedule.*—In the Sixth Schedule to the principal Act, —

(1) in paragraph VA, —

(a) in sub-paragraph (1), —

(i) for the words "amount of development rebate", the words "amount of investment allowance" shall be substituted;

(ii) for the words, brackets, figures and letter "under clause (vib) of sub-section (2) of section 10 of the Indian Income-tax Act, 1922," the words, figures and letter "under section 32A of the Income-tax Act, 1961" shall be substituted;

(b) in the proviso to sub-paragraph (4), after the words "amount of the Reserve", the brackets and words "(whether such amount is in the form of cash or other assets)" shall be inserted;

(2) for paragraphs VI, VII, VIII, IX, X and XI, the following paragraph shall be substituted, namely: —

"VI. (a) The licensee shall provide each year for depreciation such sum calculated in accordance with such principles as the Central Government may, after consultation with the Authority, by notification in the Official Gazette, lay down from time to time.

(b) Where in any particular year depreciation cannot be adjusted against revenues, the same may be carried over to subsequent years.

(c) The provisions of this paragraph shall apply to the charging of depreciation for the year in which the Electricity (Supply) Amendment Act, 1978, comes into force."

(3) in paragraph XVII, clause (8) shall be omitted.

24. *Omission of Seventh Schedule.*—The Seventh Schedule to the principal Act shall be omitted.

25. *Amendment of Eighth Schedule and Ninth Schedule.*—In clause (a) of paragraph I of the Eighth Schedule and clause (f) of paragraph I of the Ninth Schedule to the principal Act, for the words "officers and servants", the words "officers and other employees" shall be substituted.

The Reserve Bank of India (Amendment) Act, 1978

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ACT

furth^r to amend the Reserve Bank of India Act, 1934.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title and commencement.*—(1) This Act may be called the Reserve Bank of India (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. *Change of nomenclature of Agricultural Refinance Corporation.*—In the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), for the words "Agricultural Refinance Corporation", wherever they occur, the words "Agricultural Refinance and Development Corporation" shall be substituted.

3. *Amendment of section 2.*—In section 2 of the principal Act, —

(i) for clause (c), the following clauses shall be substituted, namely: —

"(bix) "foreign currency" and "foreign exchange" have the meanings respectively assigned to them in the Foreign Exchange Regulation Act, 1973;

46 of 1973.

(c) "Industrial Finance Corporation" means the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948; 15 of 1948.

(ii) after clause (f), the following clause shall be inserted, namely:—

(fi) "State Financial Corporation" means any State Financial Corporation established under the State Financial Corporations Act, 1951; 63 of 1951.

4. *Amendment of section 17.*— In section 17 of the principal Act, —

(i) in clause (3), in sub-clause (a), the words "in amounts of not less than the equivalent of one lakh of rupees" shall be omitted;

(ii) in clauses (4) and (4A), the words and figures "established under the State Financial Corporations Act, 1951" shall be omitted;

(iii) in clause (4B), the words and figures "established under the Industrial Finance Corporation Act, 1948" shall be omitted;

(iv) after clause (4H), the following clause shall be inserted, namely:—

"(4-I) the making to scheduled banks, the Development Bank, the Industrial Finance Corporation and any other financial institution as may, on the recommendation of the Bank, be approved in this behalf by the Central Government of loans and advances repayable on demand or otherwise and against such security and on such other terms and conditions as may be approved in this behalf by the Central Board for the purpose of enabling such banks, or financial institution, as the case may be, to purchase foreign exchange from the Bank for the purpose of financing the import of capital goods or for such other purposes as may be approved by the Central Government;";

(v) in clause (11), the words and figures "established under the Industrial Finance Corporation Act, 1948" shall be omitted;

(vi) for clause (12), the following clause shall be substituted, namely:—

"(12) the purchase and sale of gold or silver coins and gold and silver bullion and foreign exchange and the opening of a gold account with the principal currency authority of any foreign country or the Bank for International Settlements or any international or regional bank or financial institution formed by such principal currency authority or authorities or by the Government of any foreign country;";

(vii) for clause (12A), the following clause shall be substituted, namely:—

"(12A) the purchase and sale of securities issued by the Government of any country outside India or by any institution or body corporate established outside India and expressed to be payable in a foreign currency or any international or composite currency unit, being in the case of purchase by the Bank securities maturing

within a period of ten years from the date of purchase:

Provided that in the case of securities of an institution or body corporate, the repayment of principal and payment of interest in respect of such securities shall be guaranteed by the Government of the country concerned;";

(viii) after clause (12A) as so amended, the following clause shall be inserted, namely:—

"(12B) the making of loans and advances in foreign currencies to scheduled banks, the Development Bank, the Industrial Finance Corporation, any State Financial Corporation and any other financial institution as may, on the recommendation of the Bank, be approved by the Central Government and on such terms and conditions as may be specified by the Central Board in this behalf, against promissory notes of such bank or financial institution, as the case may be:

Provided that the borrowing bank or financial institution, as the case may be, furnishes a declaration in writing to the effect that—

(a) it has made loans and advances in foreign currencies for financing international trade or for the import of capital goods or for such other purposes as may be approved by the Central Government; and

(b) that the amount of loans or advances so made and outstanding at any time will not be less than the outstanding amount of the loans or advances obtained by it from the Bank;";

(ix) for clause (13), the following clause shall be substituted, namely:—

"(13) the opening of an account with an office outside India of any bank, including a bank incorporated in India or the making of an agency agreement with, and the acting as an agent or correspondent of, any bank incorporated outside India, or the principal currency authority of any country under the law for the time being in force in that country or any international or regional bank or financial institution formed by such principal currency authorities or foreign governments, and the investing of the funds of the Bank in the shares and securities of any such international or regional bank or financial institution or of any other foreign institution as may be approved by the Central Board in this behalf;".

5. *Amendment of section 18.*— In section 18 of the principal Act, clause (2) shall be omitted.

6. *Amendment of section 33.*— In section 33 of the principal Act, in sub-section (6), in clause (i), —

(1) in sub-clause (a), —

(a) after the words "International Finance Corporation", the words "or Asian Development Bank" shall be inserted;

(b) for the words "any commercial bank notified by the Central Government", the words "any banking or financial institution notified by the Central Government" shall be substituted; and

(c) for the words "period of five years", the words "period of ten years" shall be substituted;

(2) in sub-clause (c), for the words "within five years", the words "within ten years" shall be substituted.

7. *Amendment of section 46C.* — In section 46C of the principal Act, in sub-section (2), in clause (a), the words and figures "established under the Industrial Finance Corporation Act, 1948" and "established under the State Financial Corporations Act, 1951" shall be omitted.

8. *Amendment of section 48.* — In section 48 of the principal Act, in sub-section (1), for the words and figures "Indian Income-tax Act, 1922", the words and figures "the Income-tax Act, 1961" shall be substituted.

9. *Amendment of section 53.* — In section 53 of the principal Act, in sub-section (1), for the words "published weekly in the Gazette of India", the words "published in the Gazette of India at such intervals and in such modified form as it may deem fit" shall be substituted.

Law Department (Establishment)

Office of the Chief Electoral Officer

Notification

3-1-78/Elec.

The following notifications Nos. 56/78(1)-I dated 31-7-1978 and 56/78(1)-II dated 5-8-1978 issued by the Election Commission of India, New Delhi are hereby republished for general information.

K. C. D. Gangwani, Chief Electoral Officer.

Panaji, 16th August, 1978.

Election Commission of India

New Delhi, dated: 31st July, 1978.

Sravana 9, 1900 (Saka)

Notification

S. O. Whereas the Election Commission of India has decided to register the organisation with the name and style "Sikkim Prajatantra Congress" as a political party under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

Now, therefore, in pursuance of clause (c) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the said Symbols Order, the Commission hereby makes the following amendment to its notification No. 56/78(1), dated 25th January, 1978 published as S.O. 41(E) in the Gazette of India, Extraordinary, Part II, Section 3 — Sub-section (ii), dated 25 January, 1978, namely —

In the Table appended to the said notification after entry 39; the following entry shall be inserted:

"40. Sikkim Prajatantra Congress ... Sikkim"

[No. 56/78(1)-I]

By order,

K. GANESAN

Under Secretary (Legal).

New Delhi, dated: 5th August, 1978.

Sravana 14, 1900 (Saka)

Notification

S.O. Whereas the Election Commission has recognised the Tripura Upajati Yuba Samity as a State Party in the State of Tripura vide its notification No. 56/31/78, dated 19 May, 1978;

Now, therefore, in pursuance of clause (b) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its notification No. 56/78(1), dated 25 January, 1978, published as S.O. 41(E) in the Gazette of India Extraordinary, Part II, Section 3(ii), dated 25 January, 1978, as amended from time to time, namely —

In the Table, appended to the said notification, the entry "34-Tripura Upajati Yuba Samity ... Tripura", shall be deleted and the existing entries 35 to 40 shall be renumbered as 34 to 39 respectively.

[No. 56/78(1)-II]

By order,

K. GANESAN

Under Secretary (Legal).